REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated November 2, 2006. A Petition for Extension of Time (two months) and the fee therefor are submitted herewith.

Claims 11-15 are introduced herein. Accordingly, claims 1-15 are the claims currently pending in the present application.

Claims 1, 2 and 7-10 are amended to render their styles closer to current United States patent practice style. The Office Action asserts no objection or rejection against the clarity of the claims. No claim amendment is required as a matter of law or regulation.

Applicant thanks the Examiner for acknowledging the claim for foreign priority and the receipt of the priority document.

Further, applicant thanks the Examiner for acknowledging review and consideration of the references cited in the Information Disclosure Statement filed on December 3, 2003.

Rejection of Claims 1-3, 9 and 10 under 35 U.S.C. § 102

Claims 1-3, 9 and 10 are rejected under 35 U.S.C.§ 102(b) as being anticipated by Ogle (5,817,024). Reconsideration of this rejection is respectfully requested.

As shown for example at Figure 30, according to an aspect of applicant's invention, a convenient control of the jaw or insertion portion at a distal end of an ultrasonic treatment instrument is provided by a sensor circuit that detects movement of the movable member. For example, the ultrasonic treatment instrument may be an ultrasonic coagulation, incision or other surgical instrument, such as a surgical instrument which provides an amount of output treatment energy (Specification, page 52, first and second full paragraphs). For at least the following reasons, the recitation of claims 1 and 10 are neither anticipated by nor obvious from the cited art. Claims 1 and 10 are directed to "an ultrasonic treatment instrument."

Ogle discloses an ultrasonic diagnostic instrument with a digital beamformer that provides both B mode and Doppler imaging by receiving echo signals from ultrasonic scanlines (Ogle, Abstract). Ogle discloses that a user operating the ultrasonic diagnostic instrument includes a four-way control such as a joystick, a mouse ball or a track pad, to maneuver cursors on the screen or to select among imaging functions (Ogle, col. 4, lines 4-11).

Ogle does not disclose or suggest an ultrasonic treatment instrument, as *inter alia* required by claims 1 and 10. That is, Ogle does not disclose or suggest a surgical instrument or an instrument that provides ultrasonic waves as part of a treatment of tissue, such as coagulation or incision.

Further, since Ogle does not disclose or suggest such an ultrasonic treatment instrument, Ogle is incapable of disclosing or suggesting a sensor circuit operative to detect a movement of a movable member, as further required by independent claims 1 and 10. Therefore, Ogle does not disclose or suggest the recitations of claims 1 and 10.

Claims 2, 3 and 9 depend from independent claim 1 and thus are patentably distinguishable over the cited art for at least the same reasons.

Rejection of Claims 4-8 under 35 U.S.C. § 103

Claims 4-8 are rejected under 35 U.S.C. § 103 as being obvious based on Ogle, in view of Salcudean (6,425,865). Reconsideration of this rejection is respectfully requested.

Salcudean does not remedy the deficiencies of Ogle as they relate to independent claim 1. Salcudean discloses a robotically assisted medical diagnostic ultrasound system in which a computer system coordinates the motion and forces of the robot arm and a hand-controller as a function of the operator input to position the ultrasound probe (Salcudean, Abstract), and thus the information received by the image processing computer 5 (Salcudean, Fig. 1) is improved. Therefore, Salcudean and Ogle, even taken together in combination, do not disclose or suggest an ultrasonic treatment instrument, as required by claims 1 and 10.

Claims 4-8 depend from claim 1 and are thus patentably distinguishable over the cited art for at least the same reasons.

Additional Distinction for Claim 4

In addition, with respect to claim 4, this claim requires that the sensor circuit detects the magnitude of a clamping force generated by the movable member.

Ogle and Salcudean, even taken together in combination, do not disclose or suggest a clamp or a clamping force. That is, the cited art does not disclose or suggest detecting a clamping movement or clamping force. Therefore, Ogle and Salcudean are incapable of disclosing or suggesting a sensor circuit configured to detect a clamping force or a clamping motion generated

at the movable member, let alone a sensor circuit that is configured to detect the magnitude of such a clamping force. Therefore, claim 4 is patentably distinguishable over the cited art for at least this additional reason.

Conclusion

In view of the foregoing discussion, withdrawal of the rejections and allowance of the application is respectfully requested.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

Should the Examiner have any questions regarding the present Amendment, or regarding the application generally, the Examiner is invited to telephone the undersigned attorney at the below-provided telephone number.

THIS CORRESPONDENCE IS BEING SUBMITTED ELECTRONICALLY THROUGH THE UNITED STATES PATENT AND TRADEMARK OFFICE EFS FILING SYSTEM ON MARCH 30, 2007

Respectfully submitted,

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